

TO: The Honorable Judges of the United States District Court for the Northern District of Georgia, Atlanta Division

The Defendants respectfully show the Court the following:

A civil action has been brought against the Defendants, Gypsum Express Ltd., Dennis Horne, and Protective Insurance Company, in the State Court of Gwinnett County, State of Georgia, by the above-named Plaintiffs, said action

being designated as Civil Action No. 22-C-00925-S3, in which the Plaintiffs seek recovery from the Defendants an amount in excess of \$75,000.00.

2.

Plaintiffs are now, or were at the commencement of this suit and at all times since citizens and residents of the State of Georgia.

3.

Defendant, Gypsum Express Ltd., a New York corporation, is now, was at the time of the commencement of this suit and at all times since, a corporation organized and existing under the laws of the State of New York, having its principal place of business in Baldwinsville, New York.

4.

Defendant Dennis Horne is now, or was at the commencement of this suit and at all times since a citizen and resident of the State of North Carolina.

5.

Defendant, Protective Insurance Company, an Indiana corporation, is now, was at the time of the commencement of this suit and at all times since, a corporation organized and existing under the laws of the State of Indiana, having its principal place of business in Carmel, Indiana.

6.

Defendants attach hereto a copy of the Complaint in the State Court of Gwinnett County, Georgia marked as Exhibit “A”, and a copy of the Answer of Defendants marked as Exhibit “B”.

7.

Now, within thirty (30) days after receipt of the Summons and Complaint, the Defendants file this their Notice of Removal of said action to this Court.

8.

This action is removable by reason of diversity of citizenship of the parties. There is more than \$75,000.00 in controversy, exclusive of interest and costs.

WHEREFORE, the Defendants, Gypsum Express Ltd., Dennis Horne and Protective Insurance Company, file this Notice of Removal of said state court action to this Honorable Court.

Respectfully submitted this 15th day of March, 2022.

WEBB, ZSCHUNKE, NEARY &
DIKEMAN, LLP

/s/ Marvin D. Dikeman

MARVIN D. DIKEMAN

Georgia State Bar No. 221760

Attorney for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing **NOTICE OF REMOVAL** (prepared in Times New Roman 14 point font) with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

David Eichholz, Esq.
The Eichholz Law Firm, P.C.
319 Eisenhower Drive
Savannah, GA 31406

This 15th day of March, 2022.

/s/ Marvin D. Dikeman
MARVIN D. DIKEMAN
Georgia State Bar No. 221760

Attorney for Defendants

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